

### **REMARKS/ARGUMENTS**

The amendment and the proceeding remarks are in response to the office action dated November 29, 2004. This office action response is timely filed.

Claims 9 and 22 were amended. Claims 1-8, 10-21, and 23-24 remain in their original form. Figures 1 and 2 have been amended. Allowance of claims 1-24 is respectfully requested.

#### **I. Rejection of Drawings under 37 CFR 1.83(a)**

The drawings are objected to under 37 CFR 1.83(a), which requires all features of the invention specified in the claims be shown. The Examiner rejected the drawings on the basis of the Applicant allegedly not illustrating the limitations recited in Claim 11.

Although Applicant believes the limitations of Claim 11 were already shown in the drawings, Applicant has enclosed a replacement drawing for FIGs. 1-2 to add further clarity to such limitations as supported by the claims and specification. No other amendments have been made to the other drawing sheets.

Applicant refers the Examiner to FIGs. 1 and 2 of the replacement sheet, and to paragraph 34 of Applicant's specification, which states in part, that the embodiments shown in FIGs. 1-2 include at least two notches:

Each of these notches 30 can receive at least a portion of a respective attachment leg 24 while the cover 16 is in the first position, second position, and/or is being moved between the two positions.

The notches 30 referred to in this paragraph are shown in FIG. 1. The attachment legs 24 are shown in FIGs. 1-2. FIG. 1 illustrates the attachment legs 24 with the flap 22 closing the opening 14 (i.e., in the first position—see supporting language in the specification paragraph 29). FIG. 2 shows the attachment legs 24 with the flap 22 removed from the opening 14 (i.e., in the second position—see supporting language in the specification paragraph 30).

It should be evident from these descriptions that the portions of the specification and drawings noted above clearly support the limitations of Claim 11 and the elements of base Claim 7. Applicant therefore submits that the specification and drawings comply with 37 CFR 1.83(a) thereby providing one of ordinary skill in the art sufficient understanding to practice the invention. Accordingly, withdrawal of the objection under 37 CFR 1.83(a) is believed to be appropriate, and is respectfully requested.

## II. Rejection under 35 U.S.C. §112

Claim 9 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Withdrawal of the rejection on the basis of the amendment to Claim 9 is believed to be appropriate, and is respectfully requested.

## III. Rejection under 35 U.S.C. §102(b)

Claims 1-5, and 22-24 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by Ohgami et al. (U.S. Patent No. 5,574,625), herein referred to as Ohgami. Claims 7-10, 14, 16-17, and 18-20 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by Gilpin et al. (U.S. Patent No. 5,554,822), herein referred to as Gilpin.

The Examiner states in part that Ohgami discloses a cover (22) tethered (fig. 8) to the communication device, at least a portion of the cover being flexible such that the cover is selectively movable. Applicant respectfully disagrees with the Examiner's reading of Ohgami. In particular, Applicant points out that the cover (22) as shown in the drawings of Ohgami is clearly a stiff member having no flexibility whatsoever. There is no reference in Ohgami that teaches that at least a portion of the cover (22) is flexible as stated in Claim 1 and amended Claim 22 of Applicant's invention (also see paragraph 19 the specification). Applicant further asserts that using a hinge with the cover (22) as shown in FIG. 8 of Ohgami does not constitute a flexible cover. It is a stiff cover that

rotates along the axis of a hinge. Additionally, Ohgami teaches that a connector cover (22) (second cover) is rotatably mounted on the housing (12) (see column 5, lines 46-48). Claims 1 and 22 of Applicant's invention do not recite a rotatably mounted cover.

The Examiner states in part that Gilpin discloses a flap (30) and at least one attachment leg (34), each leg having a proximal end and a distal end (fig. 3), the proximal end of each leg being flexibly connected to the flap (at 84), the distal end of each leg being adapted for connection to the communication device (94). Applicant respectfully disagrees with the Examiner's reading of Gilpin. Applicant points out that reference 34 is a hinge as described by Gilpin and as shown in FIG. 3 connected to a stiff plate 32. The members connected to the hinge 34 are also stiff members with no flexibility. As taught in Gilpin, movement about hinge 34 is by way of a rotation. It cannot be argued that such rotation makes the stiff members of the hinge 34 flexible. Moreover, the meaning of the term "flexible" and "bendable" as described in Applicant's invention and as used in its ordinary meaning constitutes something quite different than a rotation as provided by the hinge 34 taught in Gilpin. Claim 7 as recited in Applicant's invention, for example, does not use rotational coupling of the proximal end 26 of the attachment legs 24 to the flap 22 (see FIGs. 3-4 and the accompanying description in the specification).

Based on the foregoing remarks, Applicant believes that independent Claims 1, 7 and 22 (as amended) and its dependent claims, respectively, are allowable over the art cited by the Examiner. Accordingly, withdrawal of the rejection is believed to be appropriate, and is respectfully requested.

#### IV. Rejection under 35 U.S.C. §103(a)

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ohgami as applied to Claim 1, and further in view of Hayashi et al (U.S. Patent No. 6,406,321). Claims 12-13 were rejected under 35 U.S.C. section 103(a) as being unpatentable over Gilpin, as applied to Claim 7, and further in view of Imai et al (U.S. Patent No.

4,635,225). Claims 15 and 21 were rejected under 35 U.S.C. section 103(a) as being unpatentable over Gilpin, as applied to Claim 7.

As noted above, Applicant submits that independent Claims 1, 7 and 22 are allowable over the art cited by the Examiner. Accordingly, withdrawal of the rejection to dependent Claims 6, 12-13, 15, and 21 is believed to be appropriate, and is respectfully requested.

#### IV. Allowable Subject Matter

The Examiner notes that Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant believes that independent Claims 1, 7 and 22, and its dependent claims, respectively, are allowable over the art cited by the Examiner. Consequently, an indication of allowability is respectfully requested.

Should any minor points remain prior to the issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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